

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

United Food and Commercial Workers Health
and Welfare Fund of Northeastern Pennsylvania

Sheet Metal Workers Local No. 25
Health & Welfare Fund

Louisiana Assessors Insurance Fund

Pioneer Telephone Cooperative Inc. Employee
Benefits Plan

**MDL No. 2804
Case No. 17-md-2804**

Judge Dan Aaron Polster

**Case No. 1:17-OP-45177
Case No. 1:18-OP-45002
Case No. 1:18-OP-46223
Case No. 1:18-OP-46186**

**STIPULATED ORDER REGARDING ANSWERING THE
OCTOBER 28, 2024, SUPPLEMENTAL AND AMENDED COMPLAINTS**

WHEREAS, TPP Bellwether Plaintiffs identified certain claims “to be litigated as part of the current bellwether proceeding” and “severed and stayed” all remaining claims, Dkt. 5675 (“Notice”) at 2,

WHEREAS, the parties agreed, and the Court ordered in the Case Management Order entered on October 2, 2024, that the “only claims that defendants will be required to move to dismiss or answer at this time are the claims identified in the” Notice as claims to be litigated as part of the current bellwether proceedings, Dkt. 5666 at 2,

WHEREAS, the Parties agree on a streamlined process for answering each of the TPP Bellwether Plaintiffs’ Supplemental and Amended Allegations to be Added To Plaintiff’s Complaint, which were filed on October 28, 2024 (“Amended Complaints”),¹

¹ Redacted versions of the Amended Complaints are found at Docket Numbers 5714–17.

To facilitate moving this case forward efficiently, the Parties submit this Stipulated Order and stipulate and agree that:

1. Defendants will be required to only answer the allegations set forth in the Amended Complaints for the claims identified in the Notice as claims to be litigated as part of the current bellwether proceedings (“Bellwether Claims”).

2. Defendants will have no obligation to answer any prior complaints or pleadings incorporated by reference into the Amended Complaints (“Prior Pleadings”). By not answering the Prior Pleadings, Defendants do not admit any claims or allegations in the Prior Pleadings and reserve all defenses to those claims and allegations.

3. Defendants will have no obligation to answer or state affirmative defenses to claims for relief in the Amended Complaints that were severed and stayed pursuant to the Notice (“Non-Bellwether Claims”). Specifically, Defendants will have no obligation to answer or state affirmative defenses to:

- UFCW NEPA (CT16): Claims 3 and 4 (paragraphs 1201-1243; 1244-1273)
- Local 25 (CT17): Claims 3 and 4 (paragraphs 1182-1211; 1212-1222)
- LAIF (CT18): Claims 5 and 6 (paragraphs 1263-1271; 1272-1302)
- Pioneer (CT19): Claims 3, 4, and 6 (paragraphs 1193-1222; 1223-1233; 1249-1259)

4. By not answering or stating affirmative defenses to the Non-Bellwether Claims, Defendants do not admit any corresponding claims or allegations and reserve all defenses to those claims and allegations.

5. In responding to the allegations in the Amended Complaints, Defendants’ failure to answer the Prior Pleadings or Non-Bellwether Claims will not be construed as an admission of

any of those allegations or claims and will not be a basis for a default judgment with respect to any of those claims or allegations.

6. Defendants, by entering into this Stipulation, do not waive any defenses to Plaintiffs' claims, including jurisdictional defenses or any objections to the severance of claims for purposes of the bellwether trial.

SO ORDERED:

Dated: _____

The Honorable Dan A. Polster

Dated: April 14, 2025

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record on April 14, 2025.

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